

## Notice to Vacate Chart

Type of Tenancy	Time Period
Tenancy for a Fixed Term	3 days' written notice <b>unless</b> lease provides otherwise Prop Code 24.005(a)
Tenancy at Will <i>without Rental Payment</i> (no fixed term, such as boyfriend/girlfriend or parent/adult child)	3 days' written notice Prop Code 24.005(b)
Tenancy at Will <i>with Fixed Rental Payments</i> (such as month-to-month agreements)	3 days' written notice <b>unless</b> lease specifies otherwise. If no breach of lease, <b>must</b> first give termination notice of at least one rental period <b>unless</b> lease specifies otherwise Prop Code 24.005(b); 91.001
Tenancy by Sufferance (such as an owner who was foreclosed upon)	3 days' written notice Prop Code 24.005(b)
Residential Tenant of an Owner Who Was Foreclosed Upon	<i>If requirements of bona fide tenant met</i> (see Evictions Deskbook Chapter 3 for details), tenant can finish lease <b>unless</b> purchaser will live in property as primary residence, in which case <b>90 days'</b> written notice Permanently Protecting Tenants at Foreclosure Act of 2018, 12 U.S.C. 5201
Commercial Tenant of an Owner Who Was Foreclosed Upon	30 days' written notice Prop Code 24.005(b)
Squatter (person who entered without legal authority or by force)	Immediate notice, which can be oral Prop Code 24.005(d)
Tenant of a Squatter	3 days' written notice Prop Code 24.005(c)

# JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_

## STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

<b>1. Contact information for person completing case information sheet:</b>		<b>2. Names of parties in case:</b>
Name:	Telephone:	Plaintiff(s): _____ _____
Address:	Fax:	Defendant(s): _____ _____
City/State/Zip:	State Bar No:	[Attach additional page as necessary to list all parties]
Email:		
Signature:		
<b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>		
<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<i>Eviction:</i> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000, excluding statutory interest and court costs but including attorney fees, if any.	

## **PETITION: EVICTION CASE**

CAUSE NO. \_\_\_\_\_

PLAINTIFF \_\_\_\_\_  
(LANDLORD/PROPERTY NAME)

v.

DEFENDANT(S) \_\_\_\_\_  
\_\_\_\_\_

§ IN THE JUSTICE COURT, PRECINCT \_\_\_\_\_  
§ EL PASO COUNTY, TEXAS  
§  
§ Court Date: \_\_\_\_\_  
§  
§ Rental Subsidy (if any) \_\_\_\_\_  
§ Tenants Portion \_\_\_\_\_  
§ Total Monthly Rent \_\_\_\_\_

**COMPLAINT:** Plaintiff hereby sues the following Defendant(s) named above for eviction of Plaintiff's premises (including storerooms and parking areas) located in the above precinct. The address of the property is:

Street Address      Unit No. (if any)      City      State      Zip

**DECLARATION:**

- I certify that I have received a Declaration that the tenant is a covered person.
- I certify that I have not received a Declaration that the tenant is a covered person (or that the grounds are for something other than nonpayment) and acknowledge that I can be fined up to \$100,000 under federal law for proceeding with a nonpayment eviction of a "covered person" despite receiving a Declaration.

**GROUND FOR EVICTION:** Plaintiff alleges the following grounds for eviction:

- Unpaid rent.** Defendant(s) failed to pay rent for the following time period(s): \_\_\_\_\_ . The amount of rent claimed as of the date of filing is: \$ \_\_\_\_\_. Plaintiff reserves the right to orally amend the amount at trial to include rent due from the date of filing through the date of trial.
- Other grounds for Evictions/Lease Violations.** Defendant(s) breached the terms of the lease (other than by failing to pay rent) as follows: \_\_\_\_\_
- Holdover as grounds for Eviction:** Defendant(s) are unlawfully holding over by failing to vacate at the end of the rental term or renewal or extension period, which was the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_

**NOTICE TO VACATE:** Plaintiff has given Defendant(s) a written notice to vacate (according to Chapter 24.005 of the Texas Property Code) and demand for possession. Such notice was delivered on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by this method: \_\_\_\_\_

**SUIT FOR RENT:** Plaintiff  does or  does not include a suit for unpaid rent.

**ATTORNEY'S FEES:** Plaintiff  will be or  will not be seeking applicable attorney's fees. The attorney's name, address, phone and fax numbers are: \_\_\_\_\_.

**BOND FOR POSSESSION:** If Plaintiff has filed a bond for immediate possession, Plaintiff requests that: (1) the Court set the amount of the bond; (2) the Court approve the bond; and (3) proper notices, as required by the Texas Rules of Civil Procedure, are given to Defendant(s).

**SERVICE OF CITIGATION:** Service is requested on Defendant(s) by: personal service at home or work, or by delivery to a person over the age of 16 years at Defendant's usual place of residence. If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other home or work addresses where Defendant(s) may be served are: \_\_\_\_\_.

Plaintiff knows of no other home or work addresses of Defendant(s) in this county.

**REQUEST FOR JUDGMENT:** Plaintiff requests that Defendant(s) is served with the citation and that Plaintiff is awarded a judgment against Defendant(s) for: possession of the premises, including removal of Defendant(s) and Defendant's possessions from the premises, unpaid rent, if set forth above, attorney's fees, court costs, and interest on the above sums at the rate stated in the lease, or if not so stated, at the statutory rate for judgments.

I hereby request a jury trial. The fee is \$22 and must be paid at least 3 days before trial.

I hereby consent for the answer and any other motions or pleadings to be sent to my email address as follows: \_\_\_\_\_.

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Plaintiff's Printed Name

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Signature of Plaintiff or Agent or Attorney

**Defendant's Information (if known):**

Date of birth: \_\_\_\_\_

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Address of Plaintiff or Agent or Attorney

Last three digits of Driver License: \_\_\_\_\_

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Last three digits of Soc. Sec. No.: \_\_\_\_\_

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone No.: \_\_\_\_\_

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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Phone & Fax No. of Plaintiff  
or Agent or Attorney

**SWORN TO AND SUBSCRIBED** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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CLERK OF THE JUSTICE COURT OR NOTARY



## JUSTICE OF THE PEACE PRECINCT 6 PL. 1 EL PASO COUNTY, TEXAS

CASE NO. \_\_\_\_\_

Defendant's Name: \_\_\_\_\_

Nombre del Demandado

DOB: \_\_\_\_\_  
Fecha de Nacimiento

SS#: XXX-XX-X \_\_\_\_\_  
Numero de Seguro Social

### AFFIDAVIT

### SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201 (b)

Declaracion Jurada

Sobre el acto de Proteccion SEC.201 (b) para miembros del servicio militar

PLAINTIFF BEING DULY SWORN ON HIS/HER OATH DEPOSES AND SAYS THAT DEFENDANT(S)  
El demandante bajo juramento declara que los demandado (s)

- IS NOT IN THE MILITARY  
No esta en los Servicios militares
- IS NOT ON ACTIVE DUTY IN THE MILITARY AND/OR  
No esta en el servicio active en los militares y/o
- NOT IN A FOREIGN COUNTRY ON MILITARY SERVICE  
No esta en pais extrajero en servicio militar
- IS ON ACTIVE MILITARY DUTY AND/OR IS SUBJECT TO THE SERVICE MEMBERS RELIEF ACT OF 2003.  
Esta en deber military active y/o esta conforme el acto de la relevacion de los miembros del servicio de 2003.
- DEFENDANT HAS WAIVED HIS RIGHTS UNDER THE SERVICE MEMBERS RELIEF ACT OF 2003.  
El demandado ha renunciado sus derechos bajo acto de la relevacion de los miembros del servicio de 2003.
- MILITARY STATUS IS UNKNOWN AT THIS TIME. \_\_\_\_\_  
El estado military es desconocido en este tiempo.

PLAINTIFF SIGNATURE /Firma de Demandante

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CLERK OF THE JUSTICE COURT/  NOTARY PUBLIC

\*Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined \$10,000.00 as provided in Title 18, United States Code, or imprisoned for not more than one year or both.

\*La pena para hacer o usar la declaracion jurada falsa que una persona hace o que utiliza una declaracion jurada que sabe serf also. Sera multada \$10,000 en la Manera prevista en el titulo19 Estados Unidos cifr, o encarcelado para no mas que un ano,o ambos.

Military status can be verified through this website: [www.dmdc.osd.mil/scra/owa/home](http://www.dmdc.osd.mil/scra/owa/home)

El estado military se puede verificar con esta pagina de internet: [www.dmdc.osd.mil/scra/owa/home](http://www.dmdc.osd.mil/scra/owa/home)

PLAINTIFF

Vs

NO. \_\_\_\_\_

DEFENDANT

\*This sheet must be completed at time of filing claim. In English or Spanish.

\*Esta pagina necesita estar completa al tiempo de poner la demanda. En Ingles o Espanol.

I \_\_\_\_\_ acknowledge that if I need a certified translator at the time of trial. **I will be responsible for obtaining a translator certified by the state of Texas and the cost.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_ Clerk Signature: \_\_\_\_\_

Yo \_\_\_\_\_ reconosco que si necesito un traductor certificado por El Estado de Tejas. **Yo sere responsable por conseguir un traductor y el costo.**

Fecha: \_\_\_\_\_ Firma: \_\_\_\_\_  
Fecha: \_\_\_\_\_ Firma de Oficinista: \_\_\_\_\_

## **NOTICE TO VACATE**

Date \_\_\_\_\_

Name of all residents \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Dear \_\_\_\_\_:

Demand for possession is hereby made. You are hereby given notice to vacate the premises on or before midnight, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, which is at least \_\_\_\_\_ days from delivery of this notice to you or to your occupied space. Your failure to move out will result in appropriate legal action before the Justice of the Peace. Delay or postponement of such action shall not constitute waiver.

\_\_\_\_\_  
Signature of owner, landlord or agent

\_\_\_\_\_  
Date notice was delivered

THIS NOTICE IS GIVEN IN THE MANNER REQUESTED FOR SUCH NOTICE  
UNDER SECTION 24.005 OF THE TEXAS PROPERTY CODE.